



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 4

SHELLFISH

Protection of shellfish waters

54 Protection and improvement of shellfish waters

- (1) The Water Environment and Water Services (Scotland) Act 2003 is amended in accordance with this section.
- (2) After section 5 insert—

“5A Shellfish water protected areas

- (1) The Scottish Ministers may by order (in this section, a “designation order”) designate an area of coastal water or transitional water as a shellfish water protected area for the purposes of this Part.
- (2) An area of coastal water or transitional water may be designated under subsection (1) only if the Scottish Ministers consider it necessary or desirable to do so for the protection or development of economically significant shellfish production.
- (3) The Scottish Ministers must review each designation order—
 - (a) by 22 December 2019, and
 - (b) by each date falling every 6 years (or such lesser period as the Scottish Ministers may determine) after 22 December 2019.
- (4) Subsection (3) applies to a designation order which comes into force after 22 December 2019 as if paragraph (a) were omitted.
- (5) A designation order which would, apart from this subsection, fall to be reviewed under subsection (3) by a particular date need not be reviewed by

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that date if the order came into force less than 6 months before that date; but must otherwise be reviewed in accordance with that subsection.

- (6) A designation order may identify the area of coastal water or transitional water by reference to a map prepared for the purposes of the order and laid before the Scottish Parliament.
- (7) The Scottish Ministers must send SEPA a copy of—
- (a) a designation order, and
 - (b) any map prepared in pursuance of subsection (6).”
- (3) In section 7 (register of protected areas), in subsection (3), before paragraph (a) insert—
- “(za) any shellfish water protected area,”.
- (4) In section 9 (environmental objectives and programmes of measures)—
- (a) in subsection (1), in paragraph (a)—
 - (i) the words “each body of water in the district, and” become sub-paragraph (i) of that paragraph, and
 - (ii) after that sub-paragraph insert—

“(ii) each shellfish water protected area in the district, and”,
 - (b) in subsection (7)—
 - (i) after “objectives” insert—

“(a) in respect of any body of water,”,
 - (ii) at the end insert “, and
 - (b) in respect of a shellfish water protected area, includes (without prejudice to the definition in paragraph (a)) such objectives as SEPA considers necessary or desirable to improve or protect that area in order to support shellfish life and growth and to contribute to the high quality of shellfish products suitable for human consumption.”.
- (5) In section 11 (river basin management plans: publicity and consultation), in subsection (6), after paragraph (f) insert—
- “(fa) where any part of the river basin district has been designated as a shellfish water protected area, the Food Standards Agency,”.
- (6) In section 28 (interpretation of Part 1), in subsection (1), after the definition of “SEPA” insert—
- ““shellfish” includes crustaceans and molluscs of any kind, and includes any brood, ware, half-ware, spat or spawn of shellfish,
- “shellfish water protected area” means an area of coastal water or transitional water designated by order under section 5A(1).”.

Commencement Information

II S. 54 in force at 16.9.2013 by S.S.I. 2013/249, art. 2

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